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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 * * *

9 UNITED STATES OF AMERICA,

Case No. 3:94-cr-00044-LRH-WGC-4

10 Plaintiff,

ORDER

11 v.

12 DONALD LEROY HOGAN,

13 Defendant.

14
15 Defendant Donald Leroy Hogan petitions for a writ of *audita querela*. ECF No. 1372.
16 The United States opposes the petition. ECF No. 1374. After considering the parties' papers, the
17 court denies Hogan's petition.

18 **I. Background**

19 Following a jury trial, Hogan was convicted on nine separate counts including conspiracy
20 to distribute cocaine and cocaine base in violation of 21 U.S.C. §§ 846 and 841(a)(1). ECF
21 No. 48. Hogan was then sentenced to 360 months of imprisonment. ECF No. 850. Since his
22 sentencing, Hogan filed the following: a motion to vacate (ECF No. 1039), a motion to reopen
23 judgment under Rule 60(b) (ECF No. 1039), a motion for sentence reduction (ECF No. 1181), a
24 Rule 36 motion to correct clerical mistake (ECF No. 1340), a motion for sentence reduction in
25 light of guideline amendment 782 (ECF No. 1357), and a petition for writ of error *coram nobis*
26 (ECF No. 1366). The court denied each filing. ECF Nos. 1046, 1073, 1255, 1320, 1342, 1361,
27 1371. Hogan now petitions for a writ of *audita querela*. ECF No. 1373. The United States
28 opposes Hogan's petition. ECF No. 1374.

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